

**FINAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
OFFICE OF THE STATE FIRE MARSHAL (SFM)  
REGARDING THE 2007 CALIFORNIA BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 2**

---

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken.

Health and Safety Code Section 18930 is part of the Building Standards Law that includes a nine-point written analysis that is required to be submitted by the Office of the State Fire Marshal for approval by the California Building Standards Commission prior to the adoption of building standards submitted by the Office of the State Fire Marshal. Under subpart (d) the Commission must give great weight to the determinations and analysis of the Office of the State Fire Marshal for each of the nine-point criteria submitted. Any factual determination used in the nine-point analysis by the Office of the State Fire Marshal shall be considered conclusive by the Commission unless the Commission specifically finds and sets forth in its reasoning in writing that the factual determination is arbitrary and capricious or substantially unsupported by the evidence considered by the Office of the State Fire Marshal.

**INTRODUCTION TO FINAL STATEMENT OF REASONS**

California's first partnership with the International Building and Fire Codes was completed January 30, 2007 with the adoption and July 4, 2008 publication of the 2007 California Building Standards Codes. During this past year, the SFM has been working to revise certain elements of the 2007 California Building Code (CBC) and 2007 California Fire Code (CFC) for the annual supplement. These proposed modifications and amendments; correct omissions, complete tasks originally sought and further augment the initial adoption of the 2007 California Codes and to continue bring you the best set of building and fire code proposals possible. Several key things are important to remember:

- The SFM is committed to this adoption and believes strongly in the value of the ICC model code process and the overall quality of the I-Codes as many of the SFM amendments are proposed to the model codes themselves.
- The SFM has taken extraordinary measures to ensure that this package represents the best in fire and life safety considerations, stakeholder involvement and economic considerations.
- Both Fire and Building Code professionals, industry and many other stake holders have worked with SFM to develop this rulemaking package.

The adoption of an entire new set of building and fire codes was a complex task. The SFM has promulgated this rulemaking package in an effort to continue to foster, promote and develop additional ways and means of protecting life and property against fire and panic while minimizing the economic impact.

During this rulemaking cycle the SFM's authority to write regulations has been challenged by a stakeholder and several members of the Building Standards Commissions Building, Fire and Other Code Advisory Committee (CAC). This challenge centers on the authority to write regulations and propose modifications to Section 443 of the CBC and the statewide application for those standards.

During the CAC meeting conducted January 18, 2008, as an advisory panel pursuant to HSC 18927, the CAC requested that SFM obtain a legal opinion regarding the SFM authority to develop these regulations for statewide application. SFM concurred and is responding with the following opinion and justification regarding the SFM authority to develop these regulations for statewide application:

**Issue:** Does SFM have the authority to promulgate building standards and other regulations related to fire and panic safety for statewide application in ALL occupancies?

#### Building Standards

Building standards apply to all occupancies throughout the state, (HSC §18938(b), 90-305 Ops. Cal.Atty.Gen. letter from Senator Milton Marks to Executive Director, State Building Standards Commission 3/12/1990), unless the standard specifically states that it is only applicable to a particular type of occupancy.

This means that a building standard applies to all occupancies, even those that are outside the specific area(s) of jurisdictional concern of the state agency which adopts it. This would cause a problem were it not for the restrictions of HSC §18932 wherein it states that the building code must indicate the agency having responsibility vested by law for the administration of each building standard and the occupancy(ies) affected by each building standard. The theory is if the agency adopting the standard does not have legislative authority to do so, the Building Standards Commission will not accept the proposed standard.

However, what if the legislature did not specifically give any agency the authority to adopt building standards related to particular occupancies? If this happened, the legislature would have given private entities (the original model code authors) the power to make state law. "... [W]hile the Legislature can provide for and encourage the participation of private associations in the regulatory process, it must stop short of giving such groups the power to initiate or enact rules that acquire the force of law." (*King v. Meese (1987) 43 Cal.3d 1217, 1234.*) Thus, every model building standard needs to fall within at least one state agency's jurisdiction for review. To hold otherwise would require that portions of the model code be adopted without review, thus giving the private code author the power to make state law for those portions. The state agency with jurisdiction may accept the model code as written, but it must review the model code first.

#### The State Fire Marshal's Office

The function of the Office of the State Fire Marshal is to "foster, promote and develop ways and means of protecting life and property against fire and panic." HSC §13100.1

The State Fire Marshal has been specifically given the task of preparing and adopting building standards related to fire protection in:

- Any state institution or other state-owned building or in any state-occupied building HSC §13108(a);
- Buildings in fire hazard severity zones. HSC §13108.5(a);
- Wildland interface communities HSC §13108.5(c);
- Access to roof areas of commercial establishments HSC §13108.6;
- Any building used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education. HSC §13143.6;
- Any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. HSC §13211;
- High-rise structures. HSC §13211; and
- Other areas specified in statute.

In an effort to streamline the accountability and authority for the overall regulatory system for building standards, the legislature transferred various responsibilities related to building standard adoption from state agencies to the Building Standards Commission. Under HSC §18949.2, the responsibility for the State Fire Marshal to go through the formal rulemaking process to adopt building standards was transferred to the Building Standards Commission. However, it was specifically noted that the "State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy." HSC §18949.2(b).

It should also be noted that if another state agency proposes a building standard that addresses fire and panic safety, written approval of the State Fire Marshal is needed before the Building Standards Commission can adopt that standard. HSC §18930(a)(9). Additionally, the Building Standards Commission may not rewrite or modify any fire or life safety building standard without the express mutual agreement of the State Fire Marshal. HSC §18949.2(e).

### Conclusion

Clearly the State Fire Marshal's Office has been tasked with developing building standards to implement the state's fire and life safety policy. And just as clearly, those standards that are adopted by the Building Standards Commission apply to all occupancies in the state. If another state agency has been given the authority to develop fire and life safety building standards for certain occupancies, the State Fire Marshal may not have the authority to develop those standards for the same occupancy. However, the agency in question would still need written approval from the Office of the State Fire Marshal before the Building Standards Commission could adopt those standards. For any occupancies that are not specifically delegated to a state agency, the State Fire Marshal, under its blanket authority to implement the state's fire and life safety policy, would have the obligation to develop fire and life safety standards. To not do so would mean that the fire and life safety standards within the model code that are not subject to any state agency review would be adopted without review and thus the legislature would have made an unauthorized delegation of rule making authority to a private entity.

### **UPDATES TO THE INITIAL STATEMENT OF REASONS**

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

Any updates to the Initial Statement of Reasons are included in the Office of the State Fire Marshal changes to accommodate public comments and are reflected in the rationale for change following each proposed modification. Details and legal determination regarding the SFM authority have been outlined in the "Introduction to Final Statement of Reasons" (beginning on page 1). The "Introduction to Final Statement of Reasons" adds supporting documentation for these determinations specifically relating to Section 443.1.

### **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Office of the State Fire Marshal has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

### **OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)**

(Government Code Section 11346.9(a)(3)) [List a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group]

The following is the Office of the State Fire Marshal's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

### **COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD.**

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed amendments to California Code of Regulations Title 24, Part 2 which were the subject of a Notice of Proposed Action (Register 2008, Volume No. 13-Z, No. Z08-0318-05).

The text with the modifications clearly indicated, were made available to the public for a 45-day written public comment period between March 28 and May 12, 2008, with a Public Hearing held on May 6, 2008.

**Name/Organization:** Building, Fire and Other Code Advisory Committee (CAC) and Joseph T. Holland, III, Hoover Treated Wood Products, Inc.

**Comment:** The CAC and commenter recommended disapproval of SFM's relocation of the last sentence of the definition fire-retardant-treated wood in section 202 to sections 602.2, 602.3 and 602.4 regarding fire-retardant-treated wood used for noncombustible purposes. Several members of the CAC and comments for the public that were present stated that the provisions of the base model code are clear and relocating the SFM amendments is not necessary and further requested that SFM include the last sentence of the SFM definition of Fire-retardant-treated wood in the proposed repeal of the definition.

**Response:** SFM disagreed with the CAC committee recommendation of disapproval to make clear that FRTW was not to be construed as noncombustible. However, additional comments were received during the following 45-day public comment period resulting in SFM to readdress this language. After further review and stakeholder discussions SFM agrees that the base model code provisions of the 2006 IBC are clear and limit the application of FRTW to only those specific areas identified in sections 602.2, 602.3 and 602. Therefore SFM is proposing the repeal of the last sentence and is withdrawing the proposed amendments to Sections 202 and 602.2, 602.3 and 602.4. SFM agrees and is proposing the repeal of the last sentence of Section 202 and is withdrawing the proposed amendments to Sections 602.2, 602.3 and 602.4. See response to CAC comments.

**SFM change to accommodate as follows:**

## **SECTION 202**

~~**FIRE-RETARDANT TREATED WOOD [SFM]** is any wood product impregnated with chemicals by a pressure process or other means during manufacture, and which, when tested in accordance with ASTM E 84-05 for a period of 30 minutes, shall have a flame spread of not over 25 and show no evidence of progressive combustion. In addition, the flame front shall not progress more than 101/2 foot (3200 mm) beyond the center line of the burner at any time during the test. Materials that may be exposed to the weather shall pass the accelerated weathering test and be identified as Exterior type, in accordance with ASTM D 2898-94 and ASTM D 3201-94. Where material is not directly exposed to rainfall but exposed to high humidity conditions, it shall be subjected to the hygroscopic test and identified as Interior Type A in accordance with ASTM D 2898-94 and ASTM D 3201-94.~~

~~All materials shall bear identification showing the fire performance rating thereof. Such identifications shall be issued by an approved agency having a service for inspection of materials at the factory. Fire retardant treated wood shall not be construed as "noncombustible."~~

## **EDITORIAL MODIFICATION (NO COMMENT RECEIVED)**

### **SECTION 202**

~~**LABORATORY. [SFM]** A room, building or area where the use and storage of hazardous materials are utilized for testing, analysis, ~~teaching~~ instruction, research or developmental activities.~~

#### **Rational for change:**

SFM is making this editorial modification replacing the term "teaching" with "instruction" to be consistent with proposed amendments to 304.1 originally proposed in this rulemaking.

**Name/Organization:** Terezia Nemeth, Vice President, Development, Alexandria Real Estate Equities, Inc.

Kiyoshi Kanzawa, Sr. IT Manger, Amira Pharmaceuticals

Susan R. Nowakowski, AMN Healthcare

Igor Gonda, PhD, Aradigm

Terese M. Ghio, Vice President, Government Relations, Arena Pharmaceuticals, Inc.

David W. Martin, Jr. M.D., Chairman and Chief Executive Officer, AvidBiotics

Jimmy Jackson, Vice President of Public Policy and Communications, Biocom

Michael Kraus, EHS Manager, BioMarin Pharmaceutical Inc.

Lana Thurman, Director of Facilities, Brain Cells Inc. (BCI)

David Gollaher, President and CEO, California Healthcare Institute (CHI)

Roger Richter, Sr. V.P. Professional Services, California Hospital Association

Dennis Ryan, Director, Science Policy & Public Affairs, Pfizer Inc.

Thomas M. Priselac, President and CEO, Cedar-Sinai Health System

Anne Hohhman, President, Chamberlin Associates

Jennifer Von der Ahe, Program Manager, Chamberlin Associates

Rahn Verhaeghe, Construction Manager, Chamberlin Associates

Duane J. Roth, CEO, Connect

Randall Dowler, AIA, President, DG Architects

Kannon W. Baldwin, AIA, President, FPB Architects  
 Wilbert Lee, Senior Vice-President, Administration, Fibrogen  
 Gail J. Maderis, President and CEO, Five Prime Therapeutics, Inc.  
 Douglas S. DeVeney, NCARB, Director, Design Engineering, Genentech  
 Brad Cole, Executive Vice President, Operations & CFO, Genomic Health, Inc  
 Michael Alston, CSP, Director, Genomics Institute of the Novartis Research Foundation  
 Evan B. Siegel, Ph.D. President and CEO, Ground Zero Pharmaceuticals, Inc.  
 Patti Krebs, Executive Director, Industrial Environmental Association  
 Janet Lynch Lambert, Vice President, Government Relations, Invitrogen  
 Guy J. Iannuzzi, President, Mentus  
 Eugene A. Bauer, M.D., Chief Executive Officer, Neosil  
 Ted W. Love, MD, Chairman and CEO, Nuvelo, Inc.  
 Dennis Ryan, Director, Science Policy and Public Affairs, Pfizer  
 Thomas A. Gaze, Chief Executive Officer, Receptor BioLogix, Inc.  
 Daniel O'Day, President and CEO, Roche Molecular Systems, Inc.  
 Joanne Hayes-White, Chief and Barbara A. Schultheis, Assistant Deputy Chief, Fire Marshal, San Francisco FD  
 Paul Stein, Merging Partner, SKS Investments  
 John P. Schmid, Chief Financial Officer, Trius Therapeutics  
 Jay M. Salazar, MPA, PE, Chief Building Official, City of Vacaville  
 Vijay B. Samant, President and Chief Executive Officer, Vical  
 Geoffrey B. Sears, Wareham Development  
 Justin Miller, Director of Business Development, Xnergy  
 Roger L. Hawley, Chief Executive Officer, Zogenix  
 Paul J. Hastings, President and CEO, OncoMed Pharmaceuticals, Inc.  
 Charles A. Alaimo, Director of Operations, OncoMed Pharmaceuticals, Inc.  
 Albert Chiang, DG Architects  
 John Falconer, Gensler  
 Gale E. Bate, Code Resource  
 Chris Brey, CV Therapeutics  
 Erik Sueberkrop, AIA, Studios Architecture  
 Gerald Griffin, AIA, Studios Architecture  
 Jeff Tarter, Integrated Engineering Services  
 Daniel P. Hipple, Senior Director, Facilities Services, Theravance  
 Nelson Lad, Principal, DGA Architects  
 Steve Richardson, Alexandria Real Estate Equities, Inc.  
 Christine Tejada, Genentech  
 Kennon W. Baldwin, President, Ferguson Pape Baldwin Architects  
 Steven Carlson, Renovis, Inc.  
 Chris Draper, Bay Bio  
 Roger Olpin, Novartis Vaccines & Diagnostics, Inc.  
 Rober Kain, ARE Development  
 Jay Powell, SMWM Architects  
 Joseph Mudd, Director of Facilities, Novartis Vaccines and Diagnostics  
 Richard K. Robbins, President, Wareham Development  
 David J. Whitman, Chief-Operating Officer, Pharmadyn, Inc.  
 Joseph Leung, Fire Marshal, Stanford University  
 Daniel J. Ryan, Principal, Bret E. Gossett Principal, Veralliance Properties  
 Glenn Munar, Facilities Manager, Sirna Therapeutics  
 Shari Joyce, Business Development, Pegasus Cleanroom Services  
 Michael G. Bade, Director and Juan Martin, Designated Campus Fire Marshal, UC San Francisco  
 Debra Melek, Associate Director Facilities, Applied Molecular Evoluton Company  
 Richard D. Booth, Director of Facilities, Medarex  
 Vincent R. Ciruzzi, Senior Vice President, Alexandria Real Estate Equities, Inc.  
 Jerry Keeney, Senior Vice President, CBRE (CB Richard Ellis)

**Comment:** Comments submitted from the above listed persons and organizations support SFM's proposed modifications and additions for Group L Occupancies including but not limited to Sections 202, 302.1.4, 307.1 (1), 307.1(2), 313, 443, 503 and 3414.7(1).

**Response:** SFM agrees and thanks the commenter for their support.

**Name/Organization:** Michael Freeman, Individual

**Comment:** The commenter notes subsection (a)(5) and stated allowances need to be made to permit lab used in taller structures and limiting lab use to only the lower 3 floors of a building is unreasonable.

**Response:** SFM is unable to determine which section the commenter is responding too. Additionally part of his comment appears to support SFM amendment to Section 443.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** Commenter contends that the SFM authority to write regulations addressing the storage, handling, and use of hazardous materials, is limited by Health and Safety Code (HSC) §13143.9 which references HSC § 13143 that further limits SFM to certain occupancies and uses. Commenter further states that the SFM did not cite any other statute that would permit these regulations to be applicable beyond those uses specified in Section 13143.

**Response:** SFM agrees with the commenter that HSC 13143.9 limits SFM to write regulations addressing the storage, handling, and use of hazardous materials in certain occupancies. However, SFM disagrees with the commenter regarding other statutes not referenced; a review of the March 18, 2008 Notice of Proposed Action, Express Terms and Initial Statement of Reason clearly reflect several statutes referenced as the authority to develop regulations, specifically HSC 13143.9, 13210 and 18949. Details and legal determination regarding the SFM authority have been outline in the "Introduction to Final Statement of Reasons" (beginning on page 1). For additional response to the comment above see the "Introduction to Final Statement of Reasons". The "Introduction to Final Statement of Reasons" adds supporting documentation for these determinations.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** The proposed regulations will permit unlimited quantities of hazardous materials in Group L occupancies.

**Response:** SFM disagrees, section 443.2 the definition of Laboratory Suite and section 443.7.3 specifically limit quantities of hazardous materials in Group L occupancies in accordance with Table 443.7.3.1.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** Commenter states that buildings housing Group L Occupancies may contain materials presenting physical and health hazards; however, they are permitted to be constructed with larger heights and areas, and with less fire resistance and controls than buildings housing the former Group H, Division 8 Occupancies. The former H-8 regulations were written to closely parallel the old Group H, Division 7 occupancy regulations (H-4 in currently adopted codes) addressing materials presenting only health hazards.

**Response:** SFM disagrees, allowable heights and areas in Table 503 modified to be consistent with the H4 occupancies. The original intent for L occupancies was to allow the heights and areas for H8 occupancies to correspond to those for H7 occupancies of the 2001 CBC which are now H4 occupancies in the 2007 CBC. See Initial Statement of Reasons for sections 443 through 443.8 and Table 443.7.3.1 and Table 503 for amendments related to L occupancies. Additional amendments and modifications made after the 45-day comment period for sections 443.4.6, 443.4.7, 443.4.7.4 – 443.4.7.4.3, 443.6.2 - 443.6.5 and Table 803.5 are included in this Final Statement of Reasons.

SFM contends that the provisions in this rulemaking are not lessening the fire resistance and controls, but provide a viable option for testing, analysis, instruction, research or developmental laboratories. These provisions limit the allowable quantity of hazardous materials to those of Group B occupancy control areas and allow greater heights in buildings with more rigorous fire and life safety construction requirements than that Group B occupancy control areas. These provisions provide important controls and safety provisions for these laboratories. The base model code (2006

International Building Code) adopted by reference into the California Building Code do not adequately support the facility demands of a growing biotech/life science industry in California as well as educational facilities. Therefore these provisions fill a void between that of Group B occupancy with control areas and that of a Group H-4.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** Treatment systems for highly toxic materials are not included in the list, whereas the International Fire Code, in Sections 2704.7 and 2705.1.5 require emergency power to be provided for treatment systems.

Exhaust ventilation in laboratory suites is allowed to be re-circulated. Laboratory suites can include many laboratory rooms and can include several separate tenant spaces. This may, in many circumstances, be in conflict with the Mechanical Code requiring exhaust containing flammable vapors [at or more than 25% LFL] to discharge directly to the outside of a building.

Mechanical ventilation systems on emergency power. This is a significant change in the mechanical exhaust requirements during an actual emergency. A non-fire emergency may evolve into a fire emergency. Additionally, reducing the exhaust ventilation during an emergency may result in a conflict with the mechanical code where the exhaust ventilation maintains the vapors at 25% LFL or less and the ducts extend directly to the outside.

**Response:** SFM agrees with the commenter and proposed additional modification to section 443.4.6, 443.4.7 and 443.4.7.4. The commenter suggests treatment systems for highly toxic materials are provided with emergency power. SFM agrees with the commenter and is adding "Treatment Systems" and "Scrubbers" to avoid conflict with current requirements in the California Fire Code. This addition coincides with current requirements in California Fire Code Sections 2704.7 and 2705.1.5 which currently require emergency power to be provided for treatment systems.

SFM is modifying the language of section 443.4.7.1 to provide additional clarity and further clarify that ducts shall not convey incompatible materials within and provide consistency the current requirements of the California Mechanical Code.

The commenter suggests that the initial proposed language would allow the recirculation of exhaust air within the suite or building. SFM agrees with the commenter in part, and is proposing further modifications to clarify the intent. SFM is creating separate sections for exhaust air circulation and ducting requirements. SFM is further adding clarification by creating a new subsection for exhaust duct penetrations of fire barriers required by other provisions of the California Building Code.

**SFM change to accommodate as follows:**

**443.2.4 443.4.6 Emergency power.** *An emergency power system shall be provided in accordance with Chapter 27.*

**443.4.6.1 Required Systems.** *Emergency power shall be provided for all electrically operated equipment, systems and connected control circuits for the following systems including:*

- 1. Mechanical ventilation systems. See section 443.4.7.*
- 2. Emergency alarm and monitoring systems.*
- 3. Temperature control systems required to prevent unsafe process excursions or chemical reactions.*
- 4. Treatment Systems and Scrubbers.*
- 5. Egress lighting*
- 6. Electrically operated systems required elsewhere in this code and the California Fire Code*

**443.4 443.4.7 Ventilation.**

**443.4.1 443.4.7.1 General Compatibility.** *In all Group L occupancies, exhaust streams Incompatible materials shall not be conveyed in the same duct system. Combined products in Mechanical exhaust ducts when combined shall not create a physical hazard or reaction that could degrade the containment duct material. The building official may require a technical report in accordance with Section 443.2 443.7.1. Fire and smoke dampers in fume hood exhaust ducts are prohibited. Ducts from laboratory hoods and local exhaust systems shall be constructed entirely of noncombustible materials.*

**Exceptions:**

- 1. Flexible ducts for special local exhausts used within a laboratory work suite.*

- ~~2. Combustible ducts with flame-spread index less than 75 located within a shaft of noncombustible construction where passing through areas other than the laboratory suite they serve and provided with internal fire sprinklers.~~  
~~3. Combustible ducts or duct linings having a flame spread of 25 or less.~~

~~Exhaust ducts from each laboratory suite shall be separately ducted to a point outside the building, to a mechanical space or to a shaft. Connection to a common duct may occur at those points. Exhaust ducts within the same laboratory suite may be combined within that laboratory suite.~~

~~Perchloric acid hoods and exhaust ducts shall be constructed of materials that are acid resistant, nonreactive, and impervious to perchloric acid. A water spray system shall be provided for washing down the hood interior behind the baffle and the entire duct system. Ductwork shall provide a positive drainage slope back to the hood and shall consist of sealed sections. The hood baffle shall be removable for inspection.~~

#### **443.4.7.4 Laboratory suite exhaust air.**

~~**443.4.7.4.1** Exhaust air from ~~Laboratory suites~~ exhaust air shall not be recirculaed and shall be independently ducted to a point outside the building or a roof top structure.~~

~~**443.4.7.4.2** Exhaust air from ~~Laboratory suites~~ exhaust air and shall be independently ducted to a point outside the building or a roof top structure.~~

#### **Exceptions:**

- ~~1. Exhaust ducts serving a single laboratory suite.~~
- ~~2. Exhaust ducts serving separate laboratory suites on the same story may be connected to a common duct within a fire rated vertical shaft when the sub-ducts extended vertically upward at least 22 inches.~~
- ~~3. Exhaust ducts serving separate laboratory suites on the basement through the 4th story may be connected to a common duct within a fire rated vertical shaft when the sub-ducts extended vertically upward at least 22 inches.~~
- ~~4. Exhaust ducts serving separate laboratory suites on the 5th story and above may be connected to a common duct that does not exceed 100 vertical feet within a fire rated vertical shaft when the subducts extended vertically upward at least 22 inches. Ducts serving the 5th story and above shall be a separate from the duct serving the 4th story and below, but may be within the same fire rated shaft.~~

~~**5. 443.4.7.4.3 Laboratory suite** Exhaust ducts from laboratory suites shall not penetrate the 2-hour fire barrier required by Section 443.4.3 unless it is part of a 2-hour shaft.~~

~~**Exception:** Where the exhaust duct is enclosed in a 2-hour shaft in accordance with Section 707.~~

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** The travel distance is within a room, whereas, in the last "L" Occupancy re-write this section was in reference to travel distances to an exit. See also Table 1016.1.

**Response:** SFM agrees with the commenter and proposed additional modification to section 443.6.2. The commenter suggests that the initial proposed language for travel distance is within a room, whereas the section referenced is for travel distances to an exit. SFM agrees with the commenter and is deleting the proposed section and the existing requirement which specifies travel distance in Group L occupancies. SFM feels that the egress travel distance requirements within Group L occupancies should be contained in Chapter 10. The CBC allows the exit access travel distance for occupancy groups to comply with Table 1016.1 Exit Access Travel Distance. Furthermore, SFM has renumbered the remaining subsections to 443.6 resulting for the repeal of this section.

**SFM change to accommodate as follows:**

~~**443.6.2 Travel distance within rooms L Occupancy.** Within a Group L occupancy all portions of any room shall be within 100 feet (30 480mm) to an exit. Travel distance within an individual laboratory suite shall not exceed 125 feet.~~

~~**443.6.3 443.6.2 Door swing.** All exit and exit-access doors serving areas with hazardous materials shall swing in the direction of exit travel, regardless of the occupant load served.~~



~~443.6.4~~ **443.6.3 Panic hardware.** Exit and exit access doors from areas with hazardous materials shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.

~~443.6.5~~ **443.6.4 Horizontal exits Buildings more than 4 stories.** Buildings containing Group L occupancies located four or more floors above the first floor shall have each floor of the building separated with at least one horizontal exit constructed as required for a 2-hour fire barrier. Each side of the horizontal exit shall be provided with a separate mechanical exhaust system without interconnection. No side shall be less than 30 percent of the total area for the floor. At least one elevator shall be provided to serve the floor on each side of the horizontal exit wall and shall comply with the provisions of Chapter 30. A minimum of one exit shall be provided to serve the floor on each side of the 2-hour fire barrier and shall comply with the provisions of Chapter 10.

~~443.6.6~~ **443.6.5 Corridors doors.** Corridor doors shall be protected by a fire assembly having a fire protection rating of not less than ¾ hour with smoke gasketing, shall not have more than 100 square inches (64 516 mm<sup>2</sup>) of wired glass set in steel frames and shall be maintained self-closing or shall be automatic closing. Corridors shall comply with Section 1017 and shall have opening protection in accordance with Table 715.4, Table 715.5 and Table 715.5.3.

**TABLE 443.7.3.1 EDITORIAL MODIFICATION (NO COMMENT RECEIVED)**

**TABLE 443.7.3.1**

**HAZARDOUS MATERIALS QUANTITY PER LABORATORY SUITE**

<b><u>STORY</u></b>		<b><u>PERCENTAGE OF THE MAXIMUM ALLOWABLE QUANTITY PER LABORATORY SUITE<sup>a, b</sup></u></b>
<i>Above grade plane</i>	<i>7 and above</i>	<i>50</i>
	<i>4, 5 and 6</i>	<i>75</i>
	<i>1, 2 and 3</i>	<i>100</i>
<i>Below grade plan</i>	<i>1</i>	<i>100<sup>c</sup></i>
	<i>2</i>	<i>75<sup>d</sup></i>
	<i>3 and below</i>	<i>0</i>

<sup>a</sup>—Percentages shall be of the maximum allowable quantity per laboratory suite shown in Tables 307.1(1) and 307.1(2). Allowable hazardous material increases for buildings equipped throughout with an automatic sprinkler system shall not be applicable to Group L Occupancies.

<sup>b</sup> When an individual laboratory suite occupies more than one story, the more restrictive percentage of the maximum allowable quantity per laboratory suite shall apply.

<sup>c</sup>The total aggregate quantity of flammable liquids on the first floor level below grade shall be limited to the maximum total aggregate quantity for Group B occupancy control areas. )

<sup>d</sup>—The total aggregate quantity of flammable liquids on the second floor level below grade shall be limited to a maximum total aggregate quantity for Group B occupancy control areas.

**Rational for change:**

SFM is making an editorial modification to the table footnote to be consistent with the format and style of the CBC base model code provisions.

**Name/Organization:** Julie Trost, California Conference of Mason Contractor Association, Inc.

Tomas Tietz, California Nevada Cement Association

Kurtis Siggard, Concrete Masonry Association of California and Nevada

Robert E. Wallace, Concrete Promotion Council of Northern California

Neal Anderson/Vice President Engineering, Concrete Reinforcing Steel Institute

John Chrysler, Masonry Institute of America

William Hall, Portland Cement Association

**Comment:** Commenters support SFM's rationale for height and area amendments to Table 503 for Group I-1 occupancies containing residential care facilities for the elderly (RCFE).

**Response:** SFM agrees and thanks the commenters for their support.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** Table 503 except for Type VB Construction, the allowable areas for the given types of construction has been significantly increased since the last re-write of the "L" Occupancy Sections. Allowable heights have been significantly increased as well. Therefore, despite the SFM limit on "double dip", what would typically be treated as an H-2 or an H-3 [unlimited quantities of flammable and combustible liquids in use or storage per floor] is allowed significantly larger square footages and heights.

**Response:** SFM disagrees, the modifications contained in this rulemaking coincide in part with the provisions of the base model that the 2007 California Building Code (CBC) adopted by reference (2006 International Building Code). The current/published Group L occupancy allowable areas are partially based on the 2001 CBC (1997 Uniform Building Code) and do not correspond with the format and philosophy of the 2007 CBC. In this rulemaking the allowable heights and areas in Table 503 are modified to be consistent with the H4 occupancies. The original intent for L occupancies was to allow the heights and areas for H8 occupancies to correspond to those for H7 occupancies of the 2001 CBC which are now H4 occupancies in the 2007 CBC.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** In a sprinklered building, Groups H-1, H-2, H-3, or H-5 Occupancies are not allowed the 20 foot increase in height, though Group "L" Occupancies are, despite having similar hazards.

**Response:** SFM disagrees, Section 504.2 item 4 specifically prohibits height increases for automatic sprinkler systems in Group L occupancies. SFM followed the format of the IBC similar to that of item 2 for H occupancies.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** Non-separated use is not allowed for "L" Occupancies. However one-hour fire barriers are required between suites. This does not provide any additional protection/ restrictions.

**Response:** SFM agrees the non-separated use provisions of the CBC are not permitted for L occupancies. SFM is unclear as to the commenters' statement that one-hour fire barriers do not provide additional protection. SFM has reviewed the proposed modifications to section 443.4 and notes that Group L occupancy laboratory suites must be separated from other occupancies in accordance with Table 508.3.3 with requires different hourly ratings for certain occupancies similar to that of the Group H-4 occupancy or is not permitted. Additionally SFM is proposing a two-hour separation between Group B control areas and Group L occupancy laboratory suites that in most all cases would be more restrictive than that of a Group H-4 and Group B control area.

**Name/Organization:** Julie Trost, California Conference of Mason Contractor Association, Inc.  
Tomas Tietz, California Nevada Cement Association  
Kurtis Siggard, Concrete Masonry Association of California and Nevada  
Robert E. Wallace, Concrete Promotion Council of Northern California  
Neal Anderson/Vice President Engineering, Concrete Reinforcing Steel Institute  
John Chrysler, Masonry Institute of America  
William Hall, Portland Cement Association  
Jason Krohn, Precast/Prestressed Concrete Institute

**Comment:** Commenters stated to disapprove the SFM amendment to Section 704.5 regarding fire-resistance ratings of exterior walls is reduced and does not meet nine-point criteria #3. Commenters stated that this proposal in effect, it reduces the level of fire safety provided to the exterior walls of buildings which are essential not only for structural stability of the buildings but also for prevention of fire spread to or from adjacent buildings so as to minimize the potential for a conflagration. This is especially important in California where seismic events may result in disruption of water supplies for fire fighting purposes, as well as for supplying automatic sprinkler systems. They will also impede the fire department's ability to respond in a timely manner to fires that will certainly occur after such a

seismic event. Therefore, it is very important that buildings be able to stand on their own and resist fire spread not only from adjacent buildings, but from spreading fire beyond the perimeter of the building and subsequently exposing other buildings. Further, more commentors provided analysis of various provisions of the prior 2001 California Building Code and that of the 2007 California Building Code that reflect the need to maintain the existing SFM language.

**Response:** SFM agrees and has withdrawn the proposed modifications to section 704.5.

**Name/Organization:** Julie Trost, California Conference of Mason Contractor Association, Inc.  
Tomas Tietz, California Nevada Cement Association  
Kurtis Siggard, Concrete Masonry Association of California and Nevada  
Robert E. Wallace, Concrete Promotion Council of Northern California  
Neal Anderson/Vice President Engineering, Concrete Reinforcing Steel Institute  
John Chrysler, Masonry Institute of America  
Randy Squires, President/Owner, Partition Specialties, Inc.  
William Hall, Portland Cement Association  
Jason Krohn, Precast/Prestressed Concrete Institute  
Bill Ziegert, President and General Manager, Smoke Guard, Inc.

**Comment:** Comments support SFM's position for exception 4 to Section 707.14.1 regarding enclosing elevator lobbies and inclusion of Group I Occupancies. Although the CAC recommended disapproval of exception 4, comments agreed with the additional rationale that was included in the ISOR in response to the disapproval of the CAC. Comments stated it is very important that smoke migration from floor to floor not be allowed to occur through the elevator hoistways even with functioning sprinkler systems.

**Response:** SFM agrees and thanks the commenters for their support.

**Name/Organization:** Building, Fire and Other Code Advisory Committee (CAC)

**Comment:** The CAC recommended disapproval of SFM's proposed amendments to 708.1 based on nine-point criteria 1 and 4.

**Response:** SFM disagrees with the committee recommendation for the reasons outlined in the initial statement of reasons. This was a 4 to 2 committee vote with one of the committee members being recused due to Building Standards Commission policy. Furthermore, one committee member was absent; SFM believes that the outcome would have been different with the full committee present. SFM stands behind the rationale provided and contends that criteria 1 of the nine-point criteria analysis has been met as this proposed amendment does not conflict with, overlap, or duplicate other building standards. Furthermore SFM contends that criteria 4 of the nine-point criteria analysis has been met as well as justified in the initial statement of reasons.

**Name/Organization:** Julie Trost, California Conference of Mason Contractor Association, Inc.  
Tomas Tietz, California Nevada Cement Association  
Kurtis Siggard, Concrete Masonry Association of California and Nevada  
Robert E. Wallace, Concrete Promotion Council of Northern California  
Neal Anderson/Vice President Engineering, Concrete Reinforcing Steel Institute  
John Chrysler, Masonry Institute of America  
William Hall, Portland Cement Association  
Jason Krohn, Precast/Prestressed Concrete Institute

**Comment:** Comments support SFM's amendments to Section 708.1 item #7 regarding wall assemblies separating enclosed tenant spaces. Although the CAC recommended disapproval of the proposed amendment based on nine-point criteria 1 and 4, commenters agreed with the additional rationale that was included in the ISOR in response to the disapproval of the CAC. Comments stated the 1-hour fire separation of individual enclosed tenant spaces and will provide an enhanced degree of compartmentation and resistance from spread of fire throughout the building by having built-in passive fire-resistive protection.

**Response:** SFM agrees and thanks the commenters for their support.

**701A.3.2 PROPOSAL REMOVED.** Amendments proposed to this section were made effective and permanent on May 19, 2008 through an emergency rulemaking promulgated by SFM and removed from this rulemaking.

**704A.1.2 Roof coverings.** *Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be firestopped with approved materials or have one layer of ~~No. 72 ASTM 72 pound (32.4 kg) mineral-surfaced nonperforated~~ cap sheet complying with ASTM D 3909 installed over the combustible decking.*

**Rational for change:**

SFM is proposing this change to use industry standard language for the cap sheet. This amendment does not change the requirement or type of cap sheet required by this section. This change coincides with the same modifications being made to 704A.1.3 in this rulemaking.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** The commenter suggests that the initial proposed language in Table 803.5 for current flame-spread index requirements contained in the 2007 CBC for Group L occupancies are not consistent with corridors and enclosed spaces for the former Group H-8 laboratory suites.

**Response:** SFM is proposing additional modifications that correct this discrepancy which specifies the flame-spread index requirements of interior wall and ceiling finishes in Group L occupancies, this modification is consistent with the flame-spread index requirements contained in the 2001 CBC for corridors and enclosed spaces of Group H-8 laboratories suites.

**SFM change to accommodate as follows:**

**TABLE 803.5  
INTERIOR WALL AND CEILING FINISH REQUIREMENTS BY OCCUPANCY<sup>k</sup>**

GROUP	SPRINKLERED <sup>d</sup>			NONSPRINKLERED <sup>m</sup>		
	Exit enclosures and exit passageways <sup>a,b</sup>	Corridors	Rooms and enclosed spaces <sup>c</sup>	Exit enclosures and exit passageways <sup>a,b</sup>	Corridors	Rooms and enclosed spaces <sup>c</sup>
A-1 & A-2	B	B	C	A	A <sup>d</sup>	B <sup>e</sup>
A-3 <sup>f</sup> , A-4, A-5	B	B	C	A	A <sup>d</sup>	C
B, E, <del>L</del> , M, R-1, R-4	B	C	C	A	B	C
F	C	C	C	B	C	C
H, <del>L</del>	B	B	C <sup>g</sup>	A	A	B
I-1	B	C	C	A	B	B
I-2, I-2.1	B	B	B <sup>h,i</sup>	A	A	B
I-3	A	A <sup>i</sup>	B	—	—	—
I-4	B	B	B <sup>h,i</sup>	A	A	B
R-2	C	C	C	B	B	C
R-3, R3-1	C	C	C	C	C	C
S	C	C	C	B	B	C
U	No restrictions			No restrictions		

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929m<sup>2</sup>.

a. Class C interior finish materials shall be permitted for wainscoting or paneling of not more than 1,000 square feet of applied surface area in the grade lobby where

applied directly to a noncombustible base or over furring strips applied to a noncombustible base and fireblocked as required by Section 803.4.1.

b. In exit enclosures of buildings less than three stories in height of other than Group I-3, Class B interior finish for nonsprinklered buildings and Class C interior finish for sprinklered buildings shall be permitted.

c. Requirements for rooms and enclosed spaces shall be based upon spaces enclosed by partitions. Where a fire-resistance rating is required for structural elements, the enclosing partitions shall extend from the floor to the ceiling. Partitions that do not comply with this shall be considered enclosing spaces and the rooms or spaces on both sides shall be considered one. In determining the applicable requirements for rooms and enclosed spaces, the specific occupancy thereof shall be the governing factor regardless of the group classification of the building or structure.

d. Lobby areas in Group A-1, A-2 and A-3 occupancies shall not be less than Class B materials.

e. Class C interior finish materials shall be permitted in places of assembly with an occupant load of 300 persons or less.

f. For places of religious worship, wood used for ornamental purposes, trusses, paneling or chancel furnishing shall be permitted.

g. Class B material is required where the building exceeds two stories.

h. Class C interior finish materials shall be permitted in administrative spaces.

i. Class C interior finish materials shall be permitted in rooms with a capacity of four persons or less.

j. Class B materials shall be permitted as wainscoting extending not more than 48 inches above the finished floor in corridors.

k. Finish materials as provided for in other sections of this code.

l. Applies when the exit enclosures, exit passageways, corridors or rooms and enclosed spaces are protected by a sprinkler system installed in accordance with Section

903.3.1.1 or 903.3.1.2.

m. [SFM] Not permitted for Group I-3.

**1011.6 - 1011.7 PROPOSALS REMOVED.** Amendments proposed to these sections were made effective July 14, 2008 by a change without regulatory effect rulemaking promulgated by SFM and removed from this rulemaking.

**Name/Organization:** Morgana Yahnke, President (North) and Ken Krouse, President (South), California Fire Chiefs Association, Fire Prevention Officers Section

**Comment:** The commenter suggests that the initial proposed language for travel distances for exit access in Group L suites has increased nearly resembling requirements to that of a "B" occupancy rather than an "H" occupancy. This is a significant change from the previous re-writes of "L" Occupancies. A 150 feet travel distance allowed within an individual suite versus 100 feet travel distance to an exit [see section 443.6.2] is allowed. Also, the exit access travel distance has significantly changed from 100 feet to 300 feet. The requirements in the last version of the "L" Occupancy re-write were similar to that of an "H" Occupancy but are changed to that of a "B" Occupancy, not an H-2, H-3, or H-4 [old H-7] Occupancy.

**Response:** SFM agrees with the commenter and is providing further modifications to exit access travel distances for Group L occupancies limiting them to 200 ft, which is the equal to that of Group H-5 occupancies. SFM considers this is a reasonable alternative as a result of the vast differences between the previous code provisions of the 2001 CBC and that of the 2007 CBC base model code. Whereas, the current CBC allows the exit access travel distance in Group B occupancies (which may contain laboratories) to be 300 ft.

**SFM change to accommodate as follows:**

**TABLE 1016.1  
EXIT ACCESS TRAVEL DISTANCE<sup>a</sup>**

OCCUPANCY	WITHOUT SPRINKLER SYSTEM (feet)	WITH SPRINKLER SYSTEM (feet)
A, E, F-1, I-1, M, R, S-1	200	250 <sup>b</sup>
B	200	300 <sup>c</sup>
F-2, S-2, U	300	400 <sup>c</sup>
H-1	Not Permitted	75 <sup>c</sup>
H-2	Not Permitted	100 <sup>c</sup>
H-3	Not Permitted	150 <sup>c</sup>
H-4	Not Permitted	175 <sup>c</sup>
H-5	Not Permitted	200 <sup>c</sup>

I-2, I-3 <sup>d</sup> , I-4	150	200 <sup>c</sup>
L	Not Permitted	<del>100<sup>e</sup> 225<sup>e</sup> 200<sup>f</sup></del>

For SI: 1 foot = 304.8 mm.

a. See the following sections for modifications to exit access travel distance requirements:

Section 402: For the distance limitation in malls.

Section 404: For the distance limitation through an atrium space.

Section 1016.2 For increased limitations in Groups F-1 and S-1.

Section 1025.7: For increased limitation in assembly seating.

Section 1025.7: For increased limitation for assembly open-air seating.

Section 1019.2: For buildings with one exit.

Chapter 31: For the limitation in temporary structures.

b. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems in accordance with Section 903.3.1.2 are permitted.

c. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

d. Not permitted in nonsprinklered Group I-3 occupancies.

**Name/Organization:** Kevin Reinertson, Office of the State Fire Marshal

**Comment:** SFM proposes to amended Section 3006.5 by making editorial and grammatical changes and adding Sections 3006.5.1, 3006.5.2, 3006.5.3, 3006.5.4 and 3006.5.5 regarding elevator shunt trip operations during emergency recall and emergency in-car operations, as well as where and when audible and visual annunciation shall be provided.

**Response:** SFM proposed changes as follows were made available during the 15-Day comment period:

**3006.5.2** ~~The Elevator power shunt-trip capability shall be disabled disengaged and shall not activate during Phase II emergency in-car operation.~~

**3006.5.3** ~~Audible and visual annunciation shall be provided at the fire alarm control unit indicating the disengagement disabling of elevator power shunt-trip capability in under Phase II operation.~~

**3006.5.4** ~~Audible and visual annunciation shall be provided inside all elevator cars and at the fire alarm control unit indicating that the automatic sprinklers, smoke detectors, or heat detectors in the elevator hoistway or elevator machine room have activated.~~

**3006.5.5** ~~Visual annunciation shall be provided inside all elevator cars indicating that the automatic sprinklers, smoke detectors, or heat detectors in the elevator hoistway or elevator machine room have activated.~~

**Rational for change:**

SFM is proposing additional modifications to further clarify the intent as stated in the Initial Statement of Reasons and correlate with ASME A17.1 and NFPA 72. Section 3006.5.4 is being separated into two subsections to make 3006.5.4 specific for the fire alarm control unit and 3006.5.5 specific for visual annunciation inside the elevator car.

**COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD.**

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed amendments to California Code of Regulations Title 24, Part 2 which was the subject of a Notice of Proposed Action (Register 2008, Volume No. 13-Z, No. Z08-0318-05).

Subsequent to the original public comment period, text with the nonsubstantive modifications clearly indicated, was made available to the public for a 15-day public written comment period between July 21, 2008 and August 7, 2008

**Name/Organization:** Joseph Leung, Stanford University Fire Marshal's Office

**Comment:** Commenter proposes revisions to the footnotes of Table 443.7.3.1 to identify a specific California Fire Code section and Table for the aggregate quantity of flammable liquids on the first and second floor level below grade. Commenter suggests that this will reinforce using "use-open" quantities as referenced in California Fire Code Section 3404.3.5.1 as maximum allowable quantities for storage. Commenter suggests that the revision will also clarify that the aggregate quantity of a laboratory suite equates to a single Group B control area.

**Response:** SFM believes that the proposed modifications have merit and further study would be necessary. However, SFM believes that this proposed modification may be limiting and creating the potential for misapplication of other provision not included. Amendments currently proposed to the Group L occupancy laboratory provisions by default include these Fire Code requirements by reference to the provisions of the group B control areas. However, the commenter does identify a potential oversight between the base model code provisions of the International Building Code and that of the International Fire Code; SFM will be addressing this in the next rulemaking cycle to provide further clarity or other necessary modification.

#### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

(Government Code Section 11346.9(a)(4))

The Office of the State Fire Marshal has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

#### **REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES**

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Office of the State Fire Marshal.

#### **COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE**

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Office of Small Business Advocate.

#### **COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY**

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Trade and Commerce Agency.